



## **Domestic Violence (General) Amendment Regulations 2014**

Jerry Mateparae, Governor-General

### **Order in Council**

At Wellington this 30th day of June 2014

Present:

His Excellency the Governor-General in Council

Pursuant to section 127 of the Domestic Violence Act 1995, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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## Regulations

### 1 Title

These regulations are the Domestic Violence (General) Amendment Regulations 2014.

### 2 Commencement

These regulations come into force on 1 October 2014.

### 3 Principal regulations

These regulations amend the Domestic Violence (General) Regulations 1996 (the **principal regulations**).

### 4 Regulation 3 amended (Expenses of persons called before court under section 82)

Replace regulation 3(3)(a) with:

“(a) is called before a court pursuant to section 51O(1)(a) or 51P(2) of the Act; and”.

### 5 Regulation 5 amended (Information relating to issue of temporary protection order under section 124N of Act to be sent to Family Court)

Replace regulation 5(2)(b) with:

“(b) if the District Court has made a direction under section 51D of the Act, a copy of that direction; and”.

### 6 Schedule, form 7 amended

(1) This regulation amends form 7 of the Schedule.

(2) In paragraph 1(b)(v)(D), after “1989”, insert “; or”.

(3) After paragraph 1(b)(v)(D), insert:

“(E) that is necessary for the purposes of attending a settlement conference convened under section 46Q of the Care of Children Act 2004.”

(4) Replace the heading to paragraph 4 with “**Attendance at assessment and non-violence programme**”.

(5) In paragraph 4, replace the text and footnote under the paragraph heading with:

“The court directs [*full name of respondent*] to undertake an assessment and attend a non-violence programme.

“The Registrar of the court will arrange for the respondent to be referred to a service provider, and the respondent must meet with the service provider so that the service provider may—

“(a) undertake an assessment of the respondent; and

“(b) determine whether there is an appropriate non-violence programme for the respondent to attend.

“If there is an appropriate non-violence programme for the respondent to attend, the service provider of that programme will settle with the respondent—

“(a) the number of programme sessions that the respondent must attend; and

“(b) the place, date, and time of the first programme session and all subsequent programme sessions that the respondent must attend; and

“(c) any other terms of attendance.”

- (6) Under the heading “Important information for respondent”, replace the heading “**Objection to direction to attend programme**” and the text under that heading with:

“\***Objection to direction to attend assessment and non-violence programme**

“The court has directed you to undertake an assessment and attend a non-violence programme.

“You have 10 working days after you have been served with this order to notify the Family Court at [*place*] if you object to that direction.

“If you do not make an objection within that period, and then fail without reasonable excuse to comply with the direction, you may be prosecuted. (*See Consequences of failing to comply with direction* below.)

\*Delete if inapplicable.

- (7) Under the heading “Important information for respondent”, above the heading “**Modification or discharge of this order**”, insert:

“\***Notification of safety concerns for protected persons**

“If, following an assessment, or at any time during your attendance at a non-violence programme, a service provider has

concerns about the safety of a protected person, the service provider must without delay notify the Registrar of the court about those concerns.

\*Delete if inapplicable.

- (8) Under the heading “Important information for respondent”, under the heading “**Modification or discharge of this order**”, revoke paragraph (c).
- (9) Under the heading “Important information for respondent”, under the heading “**Modification or discharge of this order**”, after paragraph (d), insert:  
“You or the applicant may apply to the Family Court for a variation or discharge of a direction to undertake an assessment and attend a non-violence programme, or for such a direction to be made.”
- (10) Under the heading “Important information for respondent”, under the heading “**Consequences of breach of this order**”, replace “2 years’ imprisonment” with “3 years’ imprisonment”.
- (11) Under the heading “Important information for respondent”, replace the heading “**Consequences of failing to comply with direction**” and the text under that heading with:  
“**\*Consequences of failing to comply with direction**  
“You commit an offence if, without reasonable excuse, you fail on any occasion to comply with a direction to undertake an assessment and attend a non-violence programme.  
“The maximum penalty for this offence is 6 months’ imprisonment or a fine not exceeding \$5,000.  
\*Delete if inapplicable.
- (12) Under the heading “Important information for protected persons”, replace the heading “**Attendance at programme**” and the text under that heading with:  
“**Attendance at safety programme**  
“If you have requested a referral to a safety programme, you will be contacted by a service provider in the near future.  
“If you wish to request a referral for yourself or for 1 or more children of your family or for any other persons protected by

the protection order, you may do so by contacting the Registrar.”

- (13) Under the heading “Important information for protected persons”, under the heading “**Modification or discharge of this order**”, revoke paragraph (c).
- (14) Under the heading “Important information for protected persons”, under the heading “**Modification or discharge of this order**”, after paragraph (d), insert:

“If you are the applicant, then either you or the respondent may apply to a Family Court at any time for the variation or discharge of a direction that the respondent undertake an assessment and attend a non-violence programme, or for such a direction to be made.”
- (15) Under the heading “Important information for protected persons”, under the heading “**Consequences of breach of this order**”, replace “2 years’ imprisonment” with “3 years’ imprisonment”.
- (16) Under the heading “Important information for protected persons”, replace the heading “**Consequences of failing to comply with direction**” and the text under that heading with:

“**\*Consequences of failing to comply with direction**  
“The respondent commits an offence if, without reasonable excuse, he or she fails on any occasion to comply with a direction to undertake an assessment and attend a non-violence programme.  
“The maximum penalty for this offence is 6 months’ imprisonment or a fine not exceeding \$5,000.

\*Delete if inapplicable.

Martin Bell,  
for Clerk of the Executive Council.

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### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 October 2014, amend the Domestic Violence (General) Regulations 1996 to reflect changes made to the Domestic Violence Act 1995 by the Domestic Violence Amendment Act 2013 (which comes fully into force on 1 October 2014).

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Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 3 July 2014.

These regulations are administered by the Ministry of Justice.

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